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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,707	08/05/2003	Thomas E. Nahill	G003/7271US0	7388

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EXAMINER	
MCDOWELL, SUZANNE E	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
06/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/634,707	NAHILL ET AL.	
	Examiner	Art Unit	
	Suzanne E. McDowell	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4, the limitation "cooling said preforms compression molded in step (a)" is confusing. The preforms are compression molded in step (b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekart et al. (US Patent 5,945,460) in view of Kikuchi et al. (US Patent 6,929,836). Ekart et al. teaches the basic method claimed as follows: reacting polyester precursors in one or more reactors (2) and flowing them to a suitable molding machine (10) in a continuous process without intermediate solidification or remelting of the polyester (column 7, lines 6-11). Ekart et al. specifically teaches that the process is continuous, which meets the limitation of "continuous" in instant claims 2, 3 and 7. Further regarding claim 2, Ekart et al. does not specifically teach that the molding machine is a compression molding machine. Kikuchi et al. teaches a method of compression molding a preform by extruding a

polyester composite molten resin (26), cutting the resin into portions, transporting the resulting molten resin lump (27) to a compression molding device (28, 29) and compression molding to form a multilayered preform (1), which is later stretch blow molded into a bottle (10) (column 8, lines 6-21). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the method taught by Kikuchi et al. to further define the method taught by Ekart et al., in order to quickly and easily mold the preform utilizing a compression molding process. The motivation to use the teachings of Kikuchi et al. to modify the teachings of Ekart et al. is that both are in the same field of endeavor, that of molding polyester-based resins.

Regarding claim 5, Ekart et al. does not teach that a multilayered preform is formed. Kikuchi et al. teaches forming a multilayer preform by compression molding plural kinds of resin (column 4, lines 58-61).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Patent 6,929,836) in view of Ekart et al. (US Patent 5,945,460). Kikuchi et al. teaches a method of compression molding a preform by extruding a polyester composite molten resin (26), cutting the resin into portions, transporting the resulting molten resin lump (27) to a compression molding device (28, 29) and compression molding to form a multilayered preform (1), which is later stretch blow molded into a bottle (10) (column 8, lines 6-21). Kikuchi et al. does not teach that the process is a continuous one by forming polyester polymer by melt phase polymerization and then continuously filling the compression molds. Ekart et al. teaches reacting polyester precursors in one or more reactors (2) and flowing them to a suitable molding machine (10) in a continuous process without intermediate solidification or remelting of the polyester (column 7, lines 6-11). It would have been obvious to a person of ordinary skill in the art to use the teaching of Ekart et al. to

modify the method taught by Kikuchi et al. in order to continuously provide the polyester to the compression molds. Further regarding claim 6, Kikuchi et al. does not specifically teach that the bottle forming steps occur continuously after the preform forming step. It is generally well known in the art to immediately form a bottle from a preform. It would have been obvious to a person of ordinary skill in the art to use well known molding methods, such as immediately forming the bottle from a preform, to modify the method taught by Kikuchi et al. in order to continuously form the bottles. Such a process would save time and money, by avoiding reheating of the preforms.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on Mon and Th 5:30am-2pm, Tues 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Suzanne E. McDowell/
Primary Examiner, Art Unit 1791

SEM
June 6, 2008